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09/523,410	03/10/2000	Geoffrey W. Simons	MLLTP006	4632

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EXAMINER

SMITH, PETER J

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/523,410

**Applicant(s)**

SIMONS, GEOFFREY W.

**Examiner**

Peter J Smith

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to communications: amendment filed 10/4/2004, petition under 1.137(b) filed 10/4/2004, power of attorney change filed 9/17/2004.
2. Claims 1-14 are pending in the case. Claims 1 and 11 are independent claims.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunt et al. (hereinafter "Hunt"), US 6,496,855 B1 priority filed 03/02/1999 in view of Kraemer, US 6,490,602 filed 01/15/1999.**

**Regarding independent claim 1**, Hunt teaches accessing a first data profile containing a non-filtered set of data corresponding to a first user in col. 6 lines 44-52. Hunt also teaches the creation of different "personalities" which are filtered first data profiles wherein they contain a filtered set of data derived from the first data profile in col. 6 line 53 to col. 7 line 11. What Hunt does not teach is the coalescing of data from a filtered first data profile and the data from a second data file to construct a third data set wherein the third data set is used to complete an online form such that certain data items required by the form relating to the first user are taken from the secondary profile portion of the third data set.

Kraemer teaches in col. 4 lines 8-45 and also in col. 6 lines 16-33 and col. 6 line 58 – col. 7 line 10 that a third data set, referred to as a purchase command, is constructed from data relating to the gift receiver and data relating to the gift giver. The purchase command combines the gift-recipient information contained in the gift with the gift-giver information submitted by the gift-giver user prior to the generation of the purchase command, thus the two sets of data are coalesced into one set contained in the purchase order. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hunt with Kraemer to enabled users to have shared profiles guided by privacy preferences including transaction information such as billing and shipping addresses to complete a gift-giving-gift-receiving transaction over the internet.

It would have been very desirable and obvious to one of ordinary skill to combine the teachings to enhance the user data profiles protected by privacy preference policies of Hunt with the gift registry method and apparatus of Kraemer and create the claimed invention. The person of ordinary skill in the art would have desired to make this modification to have enhanced the registry process by reducing the time required to complete a transaction. By using the profiles taught by Hunt the person of ordinary skill would have created a system which uses the datasets pertaining to the gift-receiver and the gift-giver to have automatically filled out the vendor forms instead of the gift-giver having entered the data required for the purchase order each time said gift-giver wished to provide a gift for a gift-receiver.

**Regarding dependent claim 2**, Hunt teaches in col. 6 line 64 – col. 7 line 5 selecting particular data items from the non-filtered set of data that the first user intends to share with one

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or more computer network users. Computer network users of the websites which the data may be released to may be able to use the data which is released to the websites.

**Regarding dependent claim 3**, Hunt teaches in col. 6 line 64 – col. 7 line 5 creating a secondary data profile for a specific computer network user. The specific website which the first user's "personality" is set up for might be released only to another specific computer network user of that site.

**Regarding dependent claim 4**, Hunt does not expressly teach that the specific computer network user is a gift giver and the first user is a gift receiver. Kraemer does teach that the specific computer network user is a gift giver and the first user is a gift receiver in col. 6 lines 16-57.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kraemer into Hunt to create the claimed invention. One skilled in the art would have been motivated to have set up an online gift registry using the profiles of Hunt where the specific computer network user is a gift giver and the first user is a gift receiver. This would have been very desirable to have allowed the gift giver to have purchased gifts for the gift receiver over the internet and not have had to travel to a store as previously was necessary to have purchased a gift through a gift registry for a gift recipient.

**Regarding dependent claim 5**, Hunt teaches in col. 6 line 53 – col. 7 line 10 that the privacy preferences of the "personalities" or secondary data profiles are inherited from the first primary data profile privacy policies.

**Regarding dependent claim 6**, Hunt teaches in col. 6 line 53 – col. 7 line 10 that the privacy preferences attached to the secondary data profile determine how the secondary data profile will be used.

**Regarding dependent claim 7**, Hunt does not teach taking data from the secondary data profile relating to shipping and specific characteristics of the first user and taking data from the second primary data profile relating to billing. Kraemer does teach a purchase command in col. 4 lines 8-45 and col. 6 lines 16-57 which requires data from both the gift giver and gift recipient in order to appropriately fill out the vendor purchase form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kraemer into Hunt to create the claimed invention. It would have been obvious and desirable to have used the profiles of Hunt to have increased the automation of filling out the vendor purchase form and thus reducing the amount of time required for the transaction. This benefit would have suggested the combination of the two teachings to one of ordinary skill in the art at the time of the invention.

**Regarding dependent claim 8**, Hunt does not teach automatically filling in an online form with data from the third data set once the first user has been selected by a second user. Kraemer does teach in col. 6 line 58 – col. 7 line 10 filling out an online vendor form automatically with a purchase command which is the equivalent of the third data set because the purchase command contains information pertaining to both the first and second users.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kraemer into Hunt to create the claimed invention. Automatic form filling techniques were well known to one of ordinary skill in that art at the time of the invention and it

would be desirable to implement such techniques to decrease the amount of time required to process a gift transaction. It would have been obvious for one of ordinary skill in the art to modify Hunt with Kraemer to use the data profiles provided by Hunt to have automatically filled online vendor forms as is taught by Kraemer. The profiles would have saved the users time since they would not have entered their billing, shipping and other characteristic information respectively each time they enter into a transaction.

**Regarding dependent claim 9**, Hunt teaches in col. 6 line 53 – col. 7 line 10 requesting access to use the secondary data profile which may be in response to a notification to fill in an online form.

**Regarding dependent claim 10**, Hunt teaches in col. 6 line 7 – col. 7 line 10 granting access to the secondary data profile which may thereby enabling a computer network user to fill in the online form. The computer network user may access the secondary profile through the website receiving the data from first user and then use that data to fill in an online form at a vendor website.

**Regarding independent claim 11**, Hunt teaches in col. 6 line 53 – col. 7 line 10 creating a filtered data set containing data the information provider is willing to share with particular third-party users, including the information requester. What Hunt does not teach is retrieving an online merchant form having a plurality of fields, inserting data from the information requester, the online merchant form having a plurality of fields, or granting access to the filtered data set by the information provider to the information requester so that data from the filtered data set is inserted into a second subset of the plurality of fields, wherein the online merchant form is from an online merchant not affiliated with any other online merchant. Kraemer does teach this in col.

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6 lines 16-33, col. 6 line 58 – col. 7 line 10 and in col. 5 lines 30-39. Kraemer discloses that an online vendor form, which has a plurality of fields, may be received from a vendor and that it may be filled out automatically with the purchase command. The purchase command combines the gift-recipient information contained in the gift with the gift-giver information submitted by the gift-giver user prior to the generation of the purchase command, thus the two sets of data are coalesced into one set contained in the purchase order. Kraemer also discloses that the vendor may be “unlisted” which means the vendor is not affiliated with the enhanced server aiding the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kraemer into Hunt to create the claimed invention. It would have been desirable and obvious for one of ordinary skill in the art at the time of the invention to use the profiles of Hunt to provide the data for online merchant forms since a major purpose of the internet is to promote electronic commerce. Furthermore, it would have been obvious and desirable to use the teaching of Kraemer to modify Hunt so that the information may be provided to online vendors, or merchants, regardless of their affiliation. This would greatly enhance the product offered to the users in that they are not constrained by a particular network of vendors as disclosed in Kraemer. The ability of the user to make purchases from “unlisted” web sites grants more freedom to the user and thus increases the chance that the user would have used the gift-purchasing product.

**Regarding dependent claim 12,** Hunt does not teach wherein the online merchant is not associated with a network or group of other online merchants. Kraemer teach wherein the online merchant is not associated with a network or group of other online merchants in col. 5 lines 30-



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39. The online vendors may be “unlisted” which means they are not part of the network of vendors affiliated with the enhanced server assisting the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kraemer into Hunt to create the claimed invention. It would have been obvious and desirable to have used the teaching of Kraemer to have modified Hunt so that the information would have been provided to online vendors, or merchants, regardless of their affiliation. This would have greatly enhanced the product offered to the users in that they would not have been constrained by a particular network of vendors as disclosed in Kraemer. The ability of the user to make purchases from “unlisted” web sites would have granted more freedom to the user and thus increased the chance that the user would have used the gift-purchasing product.

**Regarding dependent claim 13,** Hunt teaches dynamically updating the filtered data set by the information provider such that the information requester has access to only the updated information in Fig. 5 and col. 9 lines 16-45. The user may log in and change the information and privacy policies an indefinite number of times.

**Regarding dependent claim 14,** Hunt teaches a filtered data set can be updated by editing an underlying un-filtered data set under the control of the information provider in Fig. 5 and col. 9 lines 16-45. Changing the information and privacy policies at this point will alter the “personalities” or filtered data sets accordingly and such changes may be made an indefinite number of times.

*Response to Arguments*

5. Applicant's arguments filed 10/4/2004 have been fully considered but they are not persuasive. Regarding Applicant's argument in pages 5 and 6 that Hunt et al (hereinafter "Hunt") and Kraemer do not teach or suggest all the limitations of independent claim 1, the Examiner respectfully disagrees. The creation of filtered profiles is taught by Hunt in col. 6 line 53 to col. 7 line 11. Hunt also contemplates in col. 6 lines 44-47 that the user profile data could be shared with other users with the express permission of the user. Thus, Hunt contains the framework teaching for conditionally sharing a filtered subset of data for use by another user. What Hunt does not teach is coalescing two sets of data to form a third set of data. The Examiner maintains the belief that Kraemer supplies this teaching in the creation of the purchase order. The purchase order of Kraemer is the claimed set of data. The data which is entered by the gift-giver in col. 6 line 58 – col. 7 line 19 is the second set of data. The first set of data is associated with the gift prior to the gift-giver initiating the creation of a purchase command. Kraemer describes how the first set of data associated with the gift-recipient is received and created in col. 6 lines 16-33. Thus, the Examiner maintains that the purchase order of Kraemer is a third set of data formed by the coalescence of a first set of data provided by a gift-recipient and a second set of data provided by a gift-giver. In this view, the Examiner believes the combination of teachings of Hunt and Kraemer render the invention as presented in claim 1 obvious.

Regarding Applicant's argument in pages 6 and 7 that Hunt and Kraemer do not teach or suggest all the limitations of independent claim 11, the Examiner respectfully disagrees. The Examiner believes that the purchase command of Kraemer does in fact teach coalescing data

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from a first and second data set to create a third data set for the reasons set forth above in reference to claim 1. In this view, the Examiner believes the combination of teachings of Hunt and Kraemer render the invention as presented in claim 11 obvious.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van Dusen, US 6,594,644 B1 continuation of application filed 9/15/1998 discloses an electronic gift certificate system.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS  
6/29/2005

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**  
*7/6/2005*